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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,032	06/26/2001	Naoyuki Ogino	81784.0239	3402

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EXAMINER

INOA, MIDYS

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,032

Applicant(s)

OGINO, NAOYUKI

Examiner

Midys Inoa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant has relied upon the foreign priority papers to overcome the 102 rejection of claims 1-2 and 5 by filing a translation of said papers on July 11th, 2003 in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 4 rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (5,818,801).

Regarding Claim 1, Watanabe teaches a shockproof optical reproduction device in which a CD-ROM decoder 20 (see figure 6 and column 7, lines 28-49) has both the function of shockproof control of audio data (“anti-shock controller”) and error correction of CD-ROM data (“CD-ROM decoder”). In this system, the CD-ROM decoder does not perform the shockproof operation and the error correction operation simultaneously, thus allowing the shockproof function and the error correction function to share the buffer RAM 17 (“memory”) in their operation. The elements 20d (audio data reproduction circuit) and 20e (address manager) are used in the implementation of the shockproof operation (column 8, lines 39-46).

Regarding Claim 3, Watanabe teaches a buffer RAM 17 which is used in its entirety first by the CD-ROM decoder or error correction unit (“CD-ROM data reproduction”) and then it is used in its entirety by the shockproof controller. Allowing the memory to be used entirely by

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one operation and then the other (no simultaneous use) makes it so that the memory can be shared by both operations without increasing the memory capacity of the buffer RAM (Column 8, lines 39-46).

Regarding Claim 4, Watanabe teaches the connection of the shockproof mechanism composed of audio data reproduction circuit 20d and address manager 20e and of the CD-ROM decoder units through the use of buses (see figure 6). In addition, this reference discloses a control microcomputer, which controls and enables the functions of the CD-ROM decoder and the shockproof controller (see figure 6 and column 8, lines 6-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (5,818,801) in view of Lee (6,292,440).

Regarding Claim 5, Watanabe et al. teaches the invention set forth by claim 1 above. Watanabe et al. does not teach an MP3 decoder for decoding data encoded in MP3 format and output from the CD-ROM decoder in MP3 format. Lee teaches an MP3 car player which has the ability to read both CDs and MP3 CD-ROMs using a file type detector 100, which determines what is the file format of the audio file. If the file format is determined to be MP3, the file goes through an MP3 file input unit and an MP3 decoder. Once it has been decoded through the MP3

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decoder the file is passed through the A/D converter ("CD-ROM decoder") allowing the data to be outputted through a speaker (See Figure 1, Abstract, and column 1, lines 48-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the MP3 decoder to the system of Watanabe et al. in order to give this audio system the ability to read MP3 audio files and thus, making it a more complete system for an user to enjoy.

Regarding Claim 6, Watanabe discloses a control microcomputer ("selection circuit"), which controls and enables the functions of the CD-ROM decoder and the shockproof controller (see figure 6 and column 8, lines 6-38). It would have been obvious to allow the control microcomputer of Watanabe to control the function of the MP3 decoder in order to keep the system orderly by controlling of all system functions from one main controller.

Allowable Subject Matter

6. The indicated allowability of claims 4 and 6 is withdrawn in view of the newly discovered reference(s) to Watanabe et al. (5,818,801) and Lee (6,292,440). Rejections based on the newly cited reference(s) can be seen in sections 3 and 5 of this office action.

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Prior Art of Record does not teach dividing a shared memory into an area for decoding a CD-ROM and an area for storing audio data.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Midys Inoa whose telephone number is (703) 305-7850. The examiner can normally be reached on M-F 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Midys Inoa
Midys Inoa
Examiner
Art Unit 2188

MI
August 19, 2003

Mano Padmanabhan
8/22/03

MANO PADMANABHAN
SPE, TC 2100